ORDER:

The Writ Petition is filed to direct the respondents to check and search or inspect the premises of the petitioner in the presence of an Advocate Commissioner to be appointed by this Court.

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

It is the case of the petitioner that it is a registered society under the A.P. Societies Registration Act, 2001 and it provides recreational facilities to its members; it holds the licences to conduct all its activities; but, the respondents are trying to interfere with its affairs on the ground that playing of Rummy game is similar to game of 3 cards (gambling), which falls under the provisions of the A.P. Gaming Act and are trying to conduct searches in the presence of the mediators planted by them; but, it is incorrect even as per the law laid down by this Court; hence, the Writ Petition.

The learned Counsel for the petitioner contended that earlier, there are instances where this Court appointed Commissioner so that the search by police is conducted in his presence, and therefore, prayed to appoint an advocate commissioner, so that in case a search is conducted, the same is done in his presence.

It is the statutory duty of the police to conduct investigation, and search is also a part of investigation. There is specific procedure contemplated under Sections 100 and 165 Cr.P.C. for conducting search. If the police acts contrary to the procedure laid down under the provisions, there is infringement of legal right of the petitioner, in which case a Mandamus can be issued. But, there is no provision

under which search can be made in the presence of an advocate commissioner. If the advocate is a respectable person of the locality, there is nothing wrong for the police to take him as a mediator for the search.

The Writ Petition is, accordingly, disposed of directing the respondents to follow the procedure laid down under Sections 100 and 165 Cr.P.C. whenever a search is made pursuant to any case. No costs.

06.09.2005 (K.C.Bhanu, J.)

DRK

THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 12170 of 2005

Date: 06.09.2005

Between:

Friends Cultural Association, a Society represented

By its Honorary Secretary N.Kondala Raja,

S/o. Anjaiah, having its premises at No.2-3-720/A/15/1/A,

Govindanagar, Amberpet, Hyderabad

…Petitioner

and

1)The Commissioner of Police, Hyderabad

& 6 others

…Respondents